



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

HD:hd

Docket No: 07555-98

12 October 2000

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: LCDR [REDACTED] MC, USNR, [REDACTED]  
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 14 Oct 98 w/attachments  
(2) NPC-85 memo dtd 2 Feb 99  
(3) Subject's ltr dtd 24 Feb 99 w/enclosures  
(4) BUMED ltr dtd 2 May 00  
(5) PERS-85 memo dtd 27 Sep 00 w/reference (a)

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show his date of rank in the grade of lieutenant commander, pay grade O-4, as 29 December 1993. His current date of rank is 15 July 1996.

2. The Board, consisting of Messrs. Bishop, Kastner and Zsalman, reviewed Petitioner's allegations of error and injustice on 5 October 2000, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence attached as enclosure (2), NPC-85, the Navy Personnel Command (NPC) office with cognizance over active duty promotions, commented to the effect that Petitioner's request should be disapproved, but if he were to provide further evidence that he had a date of rank in the Army earlier than the date shown in his appointment as a Reserve commissioned officer of the Army, "credit for inter-service would be considered and a favorable determination could be made."

c. Enclosure (3) is Petitioner's response to the NPC-85 advisory opinion, in which he resubmitted documentation previously provided, and furnished new documentation, all verifying he had been assigned a date of rank of 29 December 1993 in the grade of major, pay grade O-4, when he was appointed a Reserve commissioned officer of the Army.

d. In correspondence attached as enclosure (4), the Bureau of Medicine and Surgery deferred comment on this case to PERS-85, the code then assigned to the former NPC-85.

e. In correspondence attached as enclosure (5), PERS-85 recommended that Petitioner's request be granted.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (5), the Board finds the existence of an injustice warranting the following corrective action.

#### RECOMMENDATION:

a. That Petitioner's naval record be corrected, where appropriate, to show that when he was originally appointed as a lieutenant commander, Medical Corps, United States Naval Reserve, he was assigned a date of rank of 29 December 1993, rather than 15 July 1996; and that his lineal precedence be adjusted accordingly.

b. That any material or entries inconsistent with the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.


c. That a copy of this Report of Proceedings be filed at an appropriate location in Petitioner's naval record, and that another copy of this report be returned to this Board, together with any material directed to be removed from Petitioner's record, for retention in a confidential file maintained for such purpose.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder

*Jonathan S. Ruskin*  
JONATHAN S. RUSKIN  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

  
For W. DEAN PFEIFFER  
Executive Director



**DEPARTMENT OF THE NAVY**

**NAVY PERSONNEL COMMAND**

**5720 INTEGRITY DRIVE**

**MILLINGTON TN 38055-0000**

7555-98

5420

Ser 85/027

2 Feb 99

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: LCDR [REDACTED] MC, USN, [REDACTED]

Ref: (a) Reserve Commissioned Officer of the Army Appointment

Encl: (1) BCNR File

1. Enclosure (1) is returned, recommending disapproval of LCDR [REDACTED] request to backdate his date of rank to 29 December 1993.

2. Per ref (a), [REDACTED] appointment as a Reserve Commissioned Officer of the Army was effective 15 July 1996. His current date of rank as a LCDR is 15 July 1996, which reflects the above date. Therefore, recommend LCDR [REDACTED] request for backdated date of rank be disapproved. However, if member were to provide further evidence displaying a date of rank in the Army prior to the date noted in reference (a), credit for inter-service would be considered and a favorable determination could be made.

[REDACTED]  
BCNR Liaison, Officer Promotions and  
Enlisted Advancements Division



DEPARTMENT OF THE NAVY

BUREAU OF MEDICINE AND SURGERY  
2300 E STREET NW  
WASHINGTON DC 20372-5300

IN REPLY REFER TO

1120

Ser 522/00-5958

2 May 00

From: Chief, Bureau of Medicine and Surgery  
To: Board for Correction of Naval Records

Subj: ADVISORY OPINIONS ICO LCDR [REDACTED] MC, USNR,  
[REDACTED]

Encl: (1) BCNR Application ICO LCDR [REDACTED]

1. Enclosure (1) is forwarded without an advisory opinion. The original BCNR application was reviewed by Navy Personnel Command (PERS-85) with the opinion that the member needed additional documentation from the Army. The current application, enclosure (1), contains that additional documentation.

2. Enclosure (1) should be forwarded to the cognizant code, PERS-85, Active Officers Promotions, Appointments and Enlisted Advancements Division, for an advisory opinion.

3. Your point of contact is Commander [REDACTED] NC, USN, who may be reached at [REDACTED]  
[REDACTED]

By direction

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

# of pages 1

Dept/Agency [REDACTED]

Enclosure [REDACTED]

Fax # [REDACTED]

NSN 7540-01-217-7308

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GENERAL SERVICES ADMINISTRATION



DEPARTMENT OF THE NAVY  
NAVY PERSONNEL COMMAND  
5720 INTEGRITY DRIVE  
MILLINGTON TN 38055-0000

5420  
PERS-85  
27 Sep 00

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: LCDR [REDACTED]

Encl: (1) BCNR File

Ref: (a) PERS-85 memo dtd 12 Sep 00  
(b) [REDACTED] tr dtd 24 Feb 99

1. This advisory opinion is a correction to reference (a).
2. Reference (b) contains a Record of Award of Entry Grade Credit, as determined by the U. S. Army. [REDACTED] was given 16 years, 6 months and 16 days of total entry grade credit that equated to a rank of Major plus 2 years, 6 months and 16 days. His initial Army appointment was effective 15 July 1996 with the grade of Major and a date of rank of 29 December 1993 (as determined by the excess credit). His original Officer Acceptance and Oath of Office shows that he was an interservice transfer from Army to Navy, therefore his initial date of rank would be reciprocal.
3. Recommend that [REDACTED] request for a back date to 29 December 1993 be granted.

[REDACTED]  
BCNR Liaison, Officer Promotions  
and Enlisted Advancements Division



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND  
5720 INTEGRITY DRIVE  
MILLINGTON TN 38055-0000

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PERS-85  
12 Sep 00

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: LCDR [REDACTED]

Encl: (1) BCNR File

Ref: (a) PERS-85 memo dtd 2 Feb 99  
(b) [REDACTED] tr dtd 24 Feb 99

1. Reference (a) was the initial advisory opinion provided on [REDACTED] request for date of rank change, enclosure (1). Reference (b) provided amplifying information in response to reference (a), to support the request for date of rank change.

2. Reference (b) contains a Record of Award of Entry Grade Credit, as determined by the U. S. Army. [REDACTED] was given 16 years, 6 months and 16 days of total entry grade credit that equated to a rank of Major plus 2 years, 6 months and 16 days. His initial Army appointment was effective 15 July 1996 with the grade of Major and a date of rank of 29 December 1993 (as determined by the excess credit).

3. Reference (b) would seem to support [REDACTED] request for a back date, however date of rank determinations for Navy physicians are made by the Bureau of Medicine and Surgery (BUMED). Recommend enclosure (1) be forwarded to BUMED for comment and advisory opinion concerning [REDACTED] request.

[REDACTED]  
BCNR Liaison, Officer Promotions  
and Enlisted Advancements Division